

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDMOND OHIYOK DAVID ODUHO, )  
 ) CASE NO. C10-472-MJP-MAT  
Petitioner, )  
 )  
v. ) REPORT AND RECOMMENDATION  
 )  
A. NEIL CLARK, Field Office Director, U.S. )  
Immigration and Customs Enforcement, )  
 )  
Respondent. )  
\_\_\_\_\_ )

On March 19, 2010, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”). (Dkt. No. 6.) On May 7, 2010, however, respondent filed a motion to dismiss along with documentation, indicating that on April 8, 2010, an Immigration Judge granted petitioner’s request for a bond redetermination, and ordered that he be released from ICE custody under bond in the amount of \$1500. (Dkt. No. 12.) Petitioner posted bond and was released the same day. *Id.* Respondent asserts that because petitioner has been accorded all the relief sought in his habeas petition – release from detention – his Petition for Writ of Habeas Corpus is now moot and should be dismissed. *Id.*

01 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
02 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.  
03 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no  
04 longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as  
05 moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the  
06 District Court properly dismissed plaintiff’s claims that had become either moot or unripe).  
07 Accordingly, I recommend that this action be dismissed. A proposed Order accompanies this  
08 Report and Recommendation.

09 DATED this 14th day of May, 2010.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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